

§ 263.1

- 263.71 Notice or order of suspension, removal, or prohibition.
- 263.72 Request for informal hearing.
- 263.73 Order for informal hearing.
- 263.74 Decision of the Board.

**Subpart E—Procedures for Issuance and Enforcement of Directives To Maintain Adequate Capital**

- 263.80 Purpose and scope.
- 263.81 Definitions.
- 263.82 Establishment of minimum capital levels.
- 263.83 Issuance of capital directives.
- 263.84 Enforcement of directive.
- 263.85 Establishment of increased capital level for specific institutions.

**Subpart F—Practice Before the Board**

- 263.90 Scope.
- 263.91 Censure, suspension or debarment.
- 263.92 Definitions.
- 263.93 Eligibility to practice.
- 263.94 Conduct warranting sanctions.
- 263.95 Initiation of disciplinary proceeding.
- 263.96 Conferences.
- 263.97 Proceedings under this subpart.
- 263.98 Effect of suspension, debarment or censure.
- 263.99 Petition for reinstatement.

**Subpart G—Rules Regarding Claims Under the Equal Access to Justice Act**

- 263.100 Authority and scope.
- 263.101 Standards for awards.
- 263.102 Prevailing party.
- 263.103 Eligibility of applicants.
- 263.104 Application for awards.
- 263.105 Statement of net worth.
- 263.106 Measure of awards.
- 263.107 Statement of fees and expenses.
- 263.108 Responses to application.
- 263.109 Further proceedings.
- 263.110 Recommended decision.
- 263.111 Action by the Board.

**Subpart H—Issuance and Review of Orders Pursuant to Prompt Corrective Action Provisions of the Federal Deposit Insurance Act**

- 263.201 Scope.
- 263.202 Directives to take prompt regulatory action.
- 263.203 Procedures for reclassifying a state member bank based on criteria other than capital.
- 263.204 Order to dismiss a director or senior executive officer.

- 263.205 Enforcement of directives.

**Subpart I—Submission and Review of Safety and Soundness Compliance Plans and Issuance of Orders To Correct Safety and Soundness Deficiencies**

- 263.300 Scope.
- 263.301 Purpose.
- 263.302 Determination and notification of failure to meet safety and soundness standard and request for compliance plan.
- 263.303 Filing of safety and soundness compliance plan.
- 263.304 Issuance of orders to correct deficiencies and to take or refrain from taking other actions.
- 263.305 Enforcement of orders.

**Subpart J—Removal, Suspension, and Debarment of Accountants From Performing Audit Services**

- 263.400 Scope.
- 263.401 Definitions.
- 263.402 Removal, suspension, or debarment.
- 263.403 Automatic removal, suspension, and debarment.
- 263.404 Notice of removal, suspension, or debarment.
- 263.405 Petition for reinstatement.

AUTHORITY: 5 U.S.C. 504, 554–557; 12 U.S.C. 248, 324, 504, 505, 1464, 1467, 1467a, 1468, 1817(j), 1818, 1820(k), 1828(c), 1829(e), 1831o, 1831p–1, 1847(b), 1847(d), 1884(b), 1972(2)(F), 3105, 3107, 3108, 3349, 3907, 3909, 4717; 15 U.S.C. 21, 78(l), 78o–4, 78o–5, 78u–2; and 28 U.S.C. 2461 *note.*; 31 U.S.C. 5321; 42 U.S.C. 4012a.

SOURCE: 56 FR 38052, Aug. 9, 1991, unless otherwise noted.

**Subpart A—Uniform Rules of Practice and Procedure**

**§ 263.1 Scope.**

This subpart prescribes Uniform Rules of practice and procedure applicable to adjudicatory proceedings required to be conducted on the record after opportunity for hearing under the following statutory provisions:

- (a) Cease-and-desist proceedings under section 8(b) of the Federal Deposit Insurance Act (“FDIA”) (12 U.S.C. 1818(b));
- (b) Removal and prohibition proceedings under section 8(e) of the FDIA (12 U.S.C. 1818(e));
- (c) Change-in-control proceedings under section 7(j)(4) of the FDIA (12 U.S.C. 1817(j)(4)) to determine whether

## Federal Reserve System

## § 263.2

the Board of Governors of the Federal Reserve System (“Board”) should issue an order to approve or disapprove a person’s proposed acquisition of a state member bank, bank holding company, or savings and loan holding company;

(d) Proceedings under section 15C(c)(2) of the Securities Exchange Act of 1934 (“Exchange Act”) (15 U.S.C. 78o-5), to impose sanctions upon any government securities broker or dealer or upon any person associated or seeking to become associated with a government securities broker or dealer for which the Board is the appropriate agency;

(e) Assessment of civil money penalties by the Board against institutions, institution-affiliated parties, and certain other persons for which the Board is the appropriate agency for any violation of:

(1) Any provision of the Bank Holding Company Act of 1956, as amended (“BHC Act”), or any order or regulation issued thereunder, pursuant to 12 U.S.C. 1847(b) and (d);

(2) Sections 19, 22, 23, 23A and 23B of the Federal Reserve Act (“FRA”), or any regulation or order issued thereunder and certain unsafe or unsound practices or breaches of fiduciary duty, pursuant to 12 U.S.C. 504 and 505;

(3) Section 9 of the FRA pursuant to 12 U.S.C. 324;

(4) Section 106(b) of the Bank Holding Company Act Amendments of 1970 and certain unsafe or unsound practices or breaches of fiduciary duty, pursuant to 12 U.S.C. 1972(2)(F);

(5) Any provision of the Change in Bank Control Act of 1978, as amended, or any regulation or order issued thereunder and certain unsafe or unsound practices or breaches of fiduciary duty, pursuant to 12 U.S.C. 1817(j)(16);

(6) Any provision of the International Lending Supervision Act of 1983 (“ILSA”) or any rule, regulation or order issued thereunder, pursuant to 12 U.S.C. 3909;

(7) Any provision of the International Banking Act of 1978 (“IBA”) or any rule, regulation or order issued thereunder, pursuant to 12 U.S.C. 3108;

(8) Certain provisions of the Exchange Act, pursuant to section 21B of the Exchange Act (15 U.S.C. 78u-2);

(9) Section 1120 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3349), or any order or regulation issued thereunder;

(10) The terms of any final or temporary order issued under section 8 of the FDIA or of any written agreement executed by the Board, the terms of any condition imposed in writing by the Board in connection with the grant of an application or request, and certain unsafe or unsound practices or breaches of fiduciary duty or law or regulation pursuant to 12 U.S.C. 1818(i)(2);

(11) Any provision of law referenced in section 102(f) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)) or any order or regulation issued thereunder;

(12) Any provision of law referenced in 31 U.S.C. 5321 or any order or regulation issued thereunder;

(13) Section 5 of the Home Owners’ Loan Act (“HOLA”) or any regulation or order issued thereunder, pursuant to 12 U.S.C. 1464 (d), (s) and (v);

(14) Section 9 of the HOLA or any regulation or order issued thereunder, pursuant to 12 U.S.C. 1467(d); and

(15) Section 10 of the HOLA, pursuant to 12 U.S.C. 1467a (i) and (r);

(f) Remedial action under section 102(g) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(g));

(g) Removal, prohibition, and civil monetary penalty proceedings under section 10(k) of the FDI Act (12 U.S.C. 1820(k)) for violations of the special post-employment restrictions imposed by that section; and

(h) This subpart also applies to all other adjudications required by statute to be determined on the record after opportunity for an agency hearing, unless otherwise specifically provided for in the Local Rules.

[56 FR 38052, Aug. 9, 1991, as amended at 61 FR 20341, May 6, 1996; 70 FR 69638, Nov. 17, 2005; 76 FR 56603, Sept. 13, 2011]

### § 263.2 Rules of construction.

For purposes of this subpart:

(a) Any term in the singular includes the plural, and the plural includes the singular, if such use would be appropriate;